

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF BACK OF THE HILL COMMUNITY DEVELOPMENT CORPORATION, INC., FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), CHAPTER 121A AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 180, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CORPORATION UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on October 4, 1979 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated September 4, 1979, (hereinafter called the "Application"), filed by June F. Howe on behalf of Back of the Hill Community Development Association, Inc., for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on September 24, 1979, and October 1, 1979, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present throughout the hearing.

B. The Project. The Project Area consists of 70,069 square feet of vacant land located at and numbered 100 South Huntington Avenue in the Jamaica Plain section of Boston. A full metes and bounds description is found in the Application. The Project will provide for the construction of 125 apartment units for the elderly and handicapped; 99 units will be one-bedroom apartments; 20 units will be two-bedroom apartments and 6 units will be three-bedroom apartments. Appurtenant facilities will include community spaces, a laundry room, landscaping and open, off-street parking for 25 cars. The 125 units will be equipped with carpeting, shades, disposal, stove, refrigerator, air conditioning equipment, smoke detectors, emergency call system and intercom. Six units will have electric dishwashers. The kitchen and bathroom hardware will be designed for safety and easy operation by the elderly and handicapped.

The apartments are intended for occupancy by low-income elderly individuals and handicapped persons, eligible for rental subsidies provided by HUD pursuant to Section 8 of the U.S. Housing Act of 1937, as amended.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, arguments and statements made at the hearing.

D. Project Area. The Project, as defined in the Application, constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction in a blighted, open and decadent area of decent, safe, and sanitary housing for the elderly.

In the opinion of the Applicant, the Project Area is presently a blighted, open and decadent area, as defined in Chapter 121A, which is detrimental to the safety, health, morals, welfare and sound growth of the community for the following reasons:

The Project Area contains adverse topographic and subsoil conditions. The Project Area is surrounded on two sides by steep grades which shall require extensive grading and/or stabilization in order to make construction feasible. An additional consequence of the steep grade that abuts the Project Area is the existence of abnormal subsurface water which drains onto the Project Area. This runoff water necessitates the construction of extraordinary drainage systems in order to make development of the Project feasible.

The Project Area is a blighted, open, decadent area because there has been a substantial change in business and economic conditions which specially affect the Project Area. The demolition of housing which formerly existed in this neighborhood has led to the decline of the Project Area and the surrounding neighborhood. Those residences which remain are only a small fraction of the total which previously existed before the Project Area was designated to be the site of a new hospital. Plans for the construction of a hospital on the Project Area are now abandoned. Thus buildings which were formerly on the Project Area and in the adjacent neighborhood have been torn down and not

replaced. Present economic conditions, including the high cost of construction, financing, and marketing, make it extremely infeasible for private enterprise to redevelop the Project Area and it is very improbable that replacement housing will be built in the Project Area without the aid of M.G.L., Chapter 121A, as amended.

As a predominantly blighted open area, the Project Area is detrimental to the safety and health of the community by virtue of the dust, broken glass and litter throughout the Project Area. The Project Area's existence as an ill-maintained, vacant site has created a potential breeding ground for delinquency and crime which is a further detriment to the morals and welfare of the community. By reason of the Project Area's close proximity to family housing, the Project Area threatens the continued stability of the surrounding neighborhood.

It is improbable that the residential buildings which were torn down will be replaced or that multi-family housing will be constructed on the Project Area through the ordinary operations of private enterprise. Without the U.S. Department of Housing and Urban Development financing, in accordance with the commitment (Exhibit 5 of the Application), the apartment units would require a rental of \$477 per month for a one-bedroom unit, \$562 per month for a two-bedroom unit and \$682 per month for a three-bedroom unit. This level of rent is substantially above the rents charged for conventional apartments in the Jamaica Plain area. Therefore, in the opinion of the Applicant, said Project could not be marketed at the rents required without government subsidies and 121A status.

The site would not be developed without the real estate taxes being limited to a percentage of the Project's estimated gross annual

income, evidenced by the requirement of the mortgage lender attached to the Application. Percentage levels as a basis for taxation can only be lawfully agreed to by the City of Boston under M.G.L., Chapter 121A, Section 6A. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A.

For these reasons it is found that the Project area is a blighted, open and decadent area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicant are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum cost of the Project will be \$5,900,000. The Applicant has received a commitment from HUD for 100% construction and permanent financing of the total cost of the Project. The commitment is conditional on the Authority's 121A determination, as well as other terms and conditions which are more fully described in Appendix Item #5, where a copy of the HUD commitment is included in the Application.

The Applicant will pay interest on a 20 month construction loan at an estimated rate of 8 1/8%, while the permanent loan will run for a 40 year period at an estimated constant annual percentage rate of 7 5/8% including amortization and HUD financing fees.

It is expected that the Project will receive rental assistance payment under Section 8 of the U.S. Housing Act of 1937, as amended, for 100% of the units. Pursuant to Section 8, HUD pays the difference between the fair market rent and 25% of the tenant's adjusted gross income.

The Project will be undertaken and carried out by a charitable, non-profit corporation, Back of the Hill Community Development Association, Inc. The Application contains the Corporate Articles of Organization, illustrating the corporate structure and purposes. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area falls within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The Plans for the development to be built on the Project Site have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the Area and will furnish attractive and necessary landscaping and provide much needed housing in the Jamaica Plain area. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During

construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents as set forth in the Application.

H. Environmental Considerations. Pursuant to the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), the Authority hereby finds and determines that the Project will not result in significant damage to or impairment of the environment and further finds and determines that all practicable and feasible means and measures have been taken, or will be utilized, to avoid or minimize damage to the environment.

As a result of the investigations and report of the Authority's staff and of its own knowledge, the Authority hereby finds that:

1. The Project will not adversely affect any open space or recreation area or any aesthetic values in the surrounding area.
2. The Project will not adversely affect any archaeological or historical site, structure or feature.
3. The Project will not adversely affect any significant natural or man-made feature or place but is determined to be compatible with the surrounding environment.
4. Being located in an urban area, the Project will not affect any wilderness area or area of significant vegetation and will not adversely affect any rare or endangered fisheries, wildlife or species of plants.
5. The Project will not alter or adversely affect any flood hazard area, inland or coastal wetland, or any other geologically unstable area.

6. The Project will not involve the use, storage, release, or disposal of any potentially hazardous substances.
7. The Project will not affect the potential use or extraction of any agricultural, mineral, or energy resources.
8. The project will not result in any significant increase in consumption of energy or generation of solid waste.
9. The Project will not adversely affect the quantity or quality of any water resources and will not involve any dredging.
10. Except necessarily during the construction phase, the Project will not result in the generation of a significant amount of noise, dust, or other pollutants, and will not adversely affect any sensitive receptors.
11. The project will not adversely affect any area of important scenic value.
12. The Project will not conflict with any Federal, State, or local land use, transportation, open space, recreation, and environmental plans and policies.
13. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the Applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity.

In addition, the Applicant shall provide oil traps in any storm drains constructed in conjunction with the parking area in order to reduce the pollution load from storm drainage. To the extent possible, the Applicant also shall preserve any mature trees located on the site.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit 16 filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Exhibit 16, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the grant of a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public

or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings constituting a portion of the Project constitute a separate building for the purpose of M.G.L., Chapter 138 (which relates to alcoholic beverages).

J. Zoning and Building Code Deviations. Appendix 10 to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority hereby finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total Project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively.

K. Duration of Period of Tax Exemption. In addition to the base term of 15 calendar years for the Project's period of tax exemption pursuant to the provisions of Section 10 of Chapter 121A, as amended, the Applicant has requested an extension of 25 calendar years. The request is based on the fact that the Applicant is proposing a Project that is to be financed and subsidized under Federal and State programs to assist the construction of low and moderate income housing and is hereby granted by the Authority.

In the event that prior to the expiration of the forty years, the Project ceases to be a subsidized project pursuant to the HUD Section 8 Program as outlined on page 6 hereto, or a similar contract or commitment under any successor subsidy program and the Owner has failed to

enter into a new 6A Tax Agreement prior to the expiration of the Section 8 subsidy then the Authority and Owner agree that the Project shall pay to the City of Boston, pursuant to Section 6A, Chapter 121A, an amount equal to that which the Project would pay if taxed in accordance with the City of Boston taxing procedures less any excise payable under Chapter 121A.

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

APPENDIX ITEM #10

BACK OF THE HILL HOUSING FOR THE HANDICAPPED AND ELDERLY

ZONING DEVIATIONS REQUIRED

Owner/Developer: Back of the Hill Community Development Association, Inc.

Location: 100 South Huntington Avenue
Boston, Massachusetts

Project: 125 units of housing for elderly and
handicapped persons of low-income

Architect: John Sharratt Associates, Inc.

USE ITEM: Multi-Family Dwelling, Item #7

USE DISTRICT (S): H-1 and L-1 (Note: site abuts on H-2 District
and is separated by a public street from an
R.8 District.)

USE DEVIATION (S)
REQUIRED: None

DIMENSIONAL DEVIATIONS REQUIRED:

1. Lot Size
 - a. Lot Size Required = 129,000 square feet
 - b. Lot Size Provided = 54,347 square feet (deviation required)
2. Maximum Floor Area Ratio (FAR)
 - a. Maximum FAR permitted = 1.0
 - b. FAR provided = 2.2 (deviation required)
3. Maximum Height of Building
 - a. Maximum Height permitted (in L-1 District) = 35'
(Maximum number of stories permitted = 3)
 - b. Actual Height = 130 feet (deviation required)
(Actual number of stories = 11; deviation required)

4. Usable Open Space Required per Dwelling Unit
 - a. Open Space Required (Total) = 50,000 square feet
 - b. Open Space provided = 24,504 square feet (deviation required)
5. Minimum Depth of Rear Yard
 - a. Required Depth - 20 feet
 - b. Depth Provided (at narrowed portion of rear yard measured from extended pilaster, not from face of building) = 13 feet (deviation required)
6. Off-Street Parking
 - a. Number of Parking Spaces Permitted in Front Yard = 0
 - b. Number of Parking Spaces Provided in Front Yard = 15 (deviation required)

MEMORANDUM

OCTOBER 18, 1979

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: REPORT AND DECISION ON THE CHAPTER 121A APPLICATION
OF BACK OF THE HILL COMMUNITY DEVELOPMENT ASSOCIATION, INC.

On October 4, 1979, the Authority conducted a public hearing with respect to the above-captioned Application.

The Project consists of the construction of 125 units of housing for the elderly and handicapped in the Jamaica Plain Area.

The Staff has examined the Application and found that it contained sufficient evidence in support of the Project to permit the Authority to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision On The Application of Back Of The Hill Community Development Association, Inc. for the Authorization and Approval of a Project Under Massachusetts General Laws (Ter.Ed.) Chapter 121A, As Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Charitable Corporation Organized Pursuant to M.G.L., C. 180 and Approval to Act as an Urban Redevelopment Corporation Under said Chapter 121A" be and hereby is approved and adopted.

